

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

No. 08-01789 (CGM)

SIPA LIQUIDATION
(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

UBS EUROPE SE (f/k/a UBS (LUXEMBOURG)
S.A.), UBS FUND SERVICES
(LUXEMBOURG) S.A., UBS THIRD PARTY
MANAGEMENT COMPANY S.A., M&B
CAPITAL ADVISERS SOCIEDAD DE
VALORES, S.A., RELIANCE
INTERNATIONAL RESEARCH LLC,
LUXEMBOURG INVESTMENT FUND AND
LUXEMBOURG INVESTMENT FUND U.S.
EQUITY PLUS, as represented by their
Liquidators MAÎTRE ALAIN RUKAVINA and
PAUL LAPLUME, MAÎTRE ALAIN
RUKAVINA and PAUL LAPLUME, in their
capacities as liquidators and representatives of
LUXEMBOURG INVESTMENT FUND AND
LUXEMBOURG INVESTMENT FUND U.S.
EQUITY PLUS,

Defendants.

Adv. Pro. No. 10-05311 (CGM)

STIPULATION AND ORDER

Irving H. Picard, as trustee (the “**Trustee**”) for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa–*lll*, and the estate of Bernard L. Madoff, and defendants UBS Europe SE (f/k/a UBS (Luxembourg) S.A.), UBS Fund Services (Luxembourg) S.A., UBS Third Party Management Company S.A., Reliance International Research LLC, and M&B Capital Advisers Sociedad de Valores (collectively, the “**Moving Defendants**” and together with the Trustee, the “**Parties**”), by and through their respective undersigned counsel, hereby stipulate and agree as follows:

WHEREAS, on February 23, 2023, a scheduling Stipulation and Order was entered by this Court (ECF No. 283);

WHEREAS, on February 24, 2023, the Trustee filed a Second Amended Complaint (ECF No. 284);

WHEREAS, on May 5, 2023, the Moving Defendants filed three separate Motions to Dismiss the Second Amended Complaint (ECF Nos. 290, 292, 295);

WHEREAS, the Trustee is to file any oppositions to the Moving Defendants’ motions to dismiss on or before July 14, 2023, and seeks to combine those oppositions;

WHEREAS, the Moving Defendants are to file any reply briefs on or before August 18, 2023.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel that:

1. On or before July 14, 2023, the Trustee will file one collective brief in opposition to all three pending motions to dismiss not to exceed 90 pages.

2. This Stipulation may be signed by respective counsel for the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: June 26, 2023

New York, New York

/s/ Oren J. Warshavsky

BAKER & HOSTETLER LLP

45 Rockefeller Plaza

New York, New York 10111

Telephone: (212) 589-4200

Facsimile: (212) 589-4201

David J. Sheehan

Email: dsheehan@bakerlaw.com

Oren J. Warshavsky

Email: owarshavsky@bakerlaw.com

Geoffrey A. North

Email: gnorth@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA
Liquidation of Bernard L. Madoff
Investment Securities LLC and the
Chapter 7 Estate of Bernard L. Madoff*

/s/ Marshall R. King

GIBSON, DUNN & CRUTCHER LLP

200 Park Avenue

New York, New York 10166

Telephone: (212) 351-4000

Marshall R. King

Email: mking@gibsondunn.com

Gabriel Herrmann

Email: gherrmann@gibsondunn.com

*Attorneys for Defendants UBS Europe SE (f/k/a
UBS (Luxembourg) S.A.), UBS Fund Services
(Luxembourg) S.A., and UBS Third Party
Management Company SA*

/s/ Richard J. Levin

JENNER & BLOCK LLP

1155 Avenue of the Americas

New York, New York 10036-2711

Telephone: (212) 891-1601

Richard J. Levin

Email: rlevin@jenner.com

/s/ Mark J. Hyland

SEWARD & KISSEL LLP

One Battery Park Plaza

New York, New York 10004

Telephone: (212) 574-1541

Facsimile: (212) 480-8421

Mark J. Hyland

Email: hyland@sewkis.com

*Attorneys for Defendant M&B Capital
Advisers Sociedad de Valores*

*Attorneys for Reliance International Research
LLC*

SO ORDERED:

**Dated: June 27, 2023
Poughkeepsie, New York**



/s/ Cecelia G. Morris

**Hon. Cecelia G. Morris
U.S. Bankruptcy Judge**